E'cont being in a manner which does not involve direct action of the interferon on virally infected cells.

REMARKS

Claims 21-37 presently appear in this case. The present communication is intended to supplement applicant's amendment of December 8, 2000, and applicant's supplemental amendment of February 8, 2001. As discussed in applicant's supplemental amendment of February 8, 2001, as a result of an interview between Examiner Goldberg and the undersigned attorney, the indefiniteness of claim 36 was eliminated by a proposed amendment thereto, and the examiner agreed that if this proposed amendment were submitted, it would place claim 36 into condition for allowance. On February 8, 2001, the amended language discussed in the interview was inserted so as to place the case into condition for allowance.

As explained in each of applicant's amendment of December 8, 2000, the interview of February 7, 2001, and the supplemental amendment of February 8, 2001, the reason why the proviso was added to claim 36 was so that the claim will not read on administration through the mouth by multiple or continuous doses in order to avoid reading on U.S. patent 5,286,748 to Eby, III. The only place where the dosage of interferon is discussed in Eby is at column 8, line 22, which refers to "1-20 million IU of interferon" and column 9, line

41, which refers to "1-10 million IU of interferon". As this amount might arguably overlap with the amount required by claim 36, i.e., an effective amount which is greater than that amount which induces a pathological response when parenterally administered, claim 36 was amended to define over Eby by the mode of administration. However, as the preferred amounts of the present claims are greater than 20×10^6 IU of interferon (see claim 21), another way to define over Eby is to specify that the amount of interferon being used is greater than the highest amount contemplated by Eby, i.e., greater than 20×10^6 IU. It is well known that, in general, the higher the amount of interferon that is administered to a human patient, the greater the toxic side effects.

Accordingly, new claim 37 has now been added which should also be allowable over Eby and is allowable over the remaining prior art of record for the same reasons that claim 36 was allowed over that prior art. Note that the proviso added to the end of claim 36 was a voluntary amendment made despite lack of any rejection over Eby, and present new claim 37 is being added with the same thought in mind.

Accordingly, as the present application is now in condition for allowance and new claim 37 does not create any new issue that cannot be quickly reviewed by the examiner,

entry of the present amendment and passage of the present application to issue is earnestly solicited.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By _____
Roger L. Browdy
Registration No. 25,618

RLB:rd
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
F:\,P\phaq\Tovey1A\Pto\SupplAmend2.doc